

Goleman (N. R.)

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Decision of the Trustees of Columbus
Medical College.

BY

N. R. COLEMAN, M. D.

COLUMBUS, OHIO.



PROFESSOR OF DISEASES OF WOMEN AND CHILDREN, AND PHYSICAL DIAGNOSIS,
AND SECRETARY OF THE FACULTY OF COLUMBUS MEDICAL
COLLEGE (RESIGNED.)

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AN APPEAL TO THE MEDICAL PROFESSION, FROM THE DECISION OF THE TRUSTEES OF COLUMBUS MEDICAL COLLEGE.

BY N. R. COLEMAN, M. D., COLUMBUS, OHIO,

Professor of Diseases of Women and Children, and of Physical Diagnosis, and Secretary
of the Faculty of Columbus Medical College (Resigned).

To the Editor of COLUMBUS MEDICAL JOURNAL:

Has the board of trustees of a medical college a right to graduate candidates who have not been recommended by a majority of the faculty?

Has the faculty of a "regular" college the right to graduate men whose preceptors are irregular and not recognized by the medical profession or entitled by its rules to professional standing or recognition, or who practice some "ism" in medicine?

Is it to the best interests, honor and purity of the regular profession of medicine, to graduate men whose credentials are not up to the full requirement set forth in college catalogues and in accordance with the medical ethics of the profession?

A recent occurrence in the Columbus Medical College, of this city, and many letters received by the writer in reference thereto, have suggested these interrogations. At a faculty meeting on February 27th, the work of voting on the passage of candidates went along smoothly until the name of a student from Illinois was reached. I, being the secretary, called the attention of the Faculty to the fact that said student's credentials did not meet the requirements of the College, inasmuch as his previous course of lectures had been at an eclectic college, and that his preceptor was an eclectic, and that therefore, according to our requirement, which says that a candidate must have studied three years "under the direction of a regular practitioner of medicine," the student was not eligible for graduation. Dr. Hyatt, of Delaware, Ohio, (Professor of Chair of Practice,) took the floor and urged that he be allowed to graduate, as his grades were up to the requirements of the College, and he had not been notified, but allowed to go on to the close of the term.

(I here want to state that, as Secretary of the Faculty, I had, about the first of February, prepared notifications for said student and another, informing them that they would not

be eligible for graduation, and requested the Dean, Dr. J. W. Hamilton, to allow me to serve them, to which he would not consent. This request was made several times. I further want to call attention to the fact that before the holidays, there was a student discovered in the class who had been a practicing eclectic, and at a Faculty meeting on *Dec* February 15th, I received a note from Dr. Charles S. Hamilton, Professor Chair of Surgery, requesting me to call the attention of the Faculty to it. I did so; the matter was thoroughly discussed, the candidate brought before the Faculty, we agreed that he was not eligible for graduation, and a motion was made that he be rejected, which motion was unanimously carried. On the 24th of December, there was another Faculty meeting, called by request of Dr. Dr. J. W. Hamilton, Dean, who was not present at the meeting on December 15. At this meeting, Dr. Hyatt at once brought up the matter of the rejection of the student above referred to, objecting thereto, and on motion, the action taken on December 15th was rescinded, and he was allowed to go on with the graduating class, all the Faculty present voting to reinstate, except myself. I objected to this unjust procedure, claiming that it was to allow him to go on and finally to reject him, as he could not, according to our requirements, graduate. I simply introduce this to show the inconsistency of Dr. Hyatt's plea for previous notification, as I have always been opposed to deceiving men. A single word of explanation may be in order at this point: In our school—and I presume the same custom prevails everywhere—students matriculate in the office of the Dean, Dr. J. W. Hamilton, and he alone, if anyone, would know of any irregularities. "Credentials" are called for soon after the holidays, and it was at this time that I, and I presume most or all of the other members of the Faculty (except perhaps the Dean), first became aware of the irregularities in the cases of said students. Candidates and their preceptors are supposed to understand the English language, and to know whether or not they comply with the College requirements.)

After Dr. Hyatt had finished what he had to say, I called the Faculty's attention to the violation of their own requirements. The matter was then passed over without a vote being taken, and all went smoothly until the name of another student was reached. I then informed the Faculty that said student's credentials were not up to the requirements of the College, as his certificate of term of study was signed by his preceptor, who was "irregular" in his practice, advertising in the daily papers, with

a cut of himself in connection with his advertisement, all of which was in gross violation of the ethics of the profession.

Dr. Hyatt again took the floor, and advocated the passage of the student, adducing as argument that his preceptor, had graduated at a regular college, and he, the student, had read the regular text books and attended a regular college, and was not familiar with medical ethics; and further, that his preceptor was a member of the Central Ohio Medical Society, and the Faculty should have notified him, the student, before this that he was ineligible for graduation. He also stated that he feared the student could obtain his diploma by law, and that he was in favor of his graduation.

I took the floor and informed the faculty that his preceptor was not a member of the Central Ohio Medical Society, as he had forfeited his membership by non-payment of dues, and that it was well understood that he would have been expelled, but for the fact that two members of the committee appointed to investigate his case thought it best to allow his membership to lapse rather than expel him, lest he would raise the cry of persecution. I further stated that his preceptor had been engaged in what is termed "irregular practice" during the entire term of his studentship, and that we could not admit him to graduation without violating the very first sentence of the requirement in our catalogue; that if he did not understand medical ethics, he should understand the plain requirements in our catalogue, which are inserted for the enlightenment of persons seeking information upon that particular point.

Dr. Hyatt had stated that we had graduated a man last year who had studied with, and whose certificate of time of study was signed by, an irregular or advertising quack, and that thus we had established a precedent. In reply to this, I said I was very sorry, and that it had occurred through the negligence of the one having in charge the credentials of the graduating class, who had failed to report it to the Faculty, as I for one knew nothing of it, and that the committing of one sin did not justify another, and that we should repent, ask forgiveness and sin no more. But in the case then under consideration, we all thoroughly understood it, and there would be no excuse for our committing another wrong.

In reference to the legal aspect, I said, let him go to law, and if he can obtain his diploma from that source, that will exonerate us and place us upon a firm basis in the line of the better medical colleges. I pledged myself to meet all the expenses

that might arise in the course of such legal proceedings, to take charge of the trial, and to free the College from all danger or damage, if only they would not trample under foot what I believed to be necessary to sustain our honor and integrity. (In reference to his not having been previously notified, the reader has only to refer back to the case of the student, where I cited the fact of his being rejected at one meeting of the Faculty, and that he was reinstated at another. So that plea is futile and unjust in the extreme. I also stated that if we graduated a man coming from an irregular source, as this student did, it would be better for us to do away with all requirements, and grant diplomas to all applicants. I urged that we should use extreme care not to violate our own requirements, and that it was not to the interest, the honor and the purity of the profession to graduate men who had studied with irregular physicians.

During all this argument between Dr. Hyatt and myself, I was not aware how members of the Faculty were going to vote, but I implored them to stand by the honor of the profession and of the College. Finally the case came to a vote, resulting as follows: Those voting in the affirmative, or to pass, were Drs. Hyatt and Pearce; those voting in the negative or to reject were Drs. W. D. Hamilton, Jewett, Barnhill, Eis, Blake, C. S. Hamilton and Coleman; J. W. Hamilton, the Dean, did not vote. The chair declared the student rejected.

There were two other men to whom I called the Faculty's attention, who had attended their only previous course of lectures at the Medical Department of the University of Wooster last summer. One failed to pass his examinations, but the other passed and was graduated.

We then returned to the case of the Illinois student, and after a brief discussion his case was put to a vote. Those voting in the affirmative, or to pass, were Drs. Hyatt and Pearce, and those voting in the negative, or to reject, were Prof. Eis, Drs. Barnhill, W. D. Hamilton, Jewett, Blake and Coleman. Dr. J. W. Hamilton, Dean, declared him rejected.

This closed the meeting. I was directed to call a Faculty meeting for Tuesday, March 1st, at 10 A. M. When the Faculty convened, Dr. Hyatt introduced a protest signed by himself and Dr. Pearce, of Urbana, (Chair of Obstetrics,) protesting against the rejection of the student, as follows:

PROTEST.—This protest is in relation to the action of a majority of the Faculty in refusing to pass Mr. ———, on a claimed *defect* in the certificate of time of study given by his

brother, a practicing physician, Columbus, Ohio. Said defect relates entirely to the *party giving the certificate*, and *not the candidate's* time, based on the fact alone that the said Dr. ——— is now, and has been for some time, practicing quackery, and hence not a regular physician. Dr. ———'s studies were regular, he graduated at a regular medical college, and is now a member of the Central Ohio Medical Association. The candidate, Mr. ———'s studies were regular, *i. e.*, he studied the regularly recognized text books, and knew nothing in regard to the ethics of the profession, and did not know but that his brother's certificate was all that was necessary covering the time of study. He has attended two courses of lectures in Columbus Medical college, and stands very high as a candidate in scholarship—his grades in all the departments much above the average—being one of the three of the whole class of fifty-nine, who received the grade of *100 in practice of medicine*. Moreover, nothing can be said justly against his moral character, the whole ground for rejection being based, therefore, on the fact that his brother (who gave the certificate of *time of study*) is now practicing in an irregular way. Again, it has been known by the Faculty, or part of them, for two years past, that Mr. ——— was studying with his brother, and at the commencement of the term now just closing, entered as a candidate for graduation (without remonstrance on the part of the Faculty), and now as he stands at the threshold of the profession, well qualified to enter, the door is shut in his face. Shall he be made to answer for the sins of his brother?

We therefore most earnestly enter our *protest* against the rejection of Mr. ———, by a part of the Faculty, on such a pretext. We *protest*, secondly, because (in our judgment) it is an act of injustice to the candidate, an injustice to the College, and to ourselves, individually, as teachers.

(Signed)

E. H. HYATT, M. D.,
Chair of Practice of Medicine.

H. C. PEARCE, M. D.,
Chair of Obstetrics.

After reading his protest, Dr. Hyatt moved to have the vote rejecting Mr. ——— reconsidered, but his motion was declared out of order as only one voting with the majority could move a reconsideration. Finally, after considerable discussion, Dr. Blake moved that Dr. Hyatt be allowed to have his protest spread upon the minutes. This motion resulted in a vote in

the affirmative of all the members present, except myself. I then asked the privilege of having my protest spread on the minutes beneath that of Dr. Hyatt, which was granted.

Dr. Hyatt, having thus been defeated in every attempt, and by an overwhelming majority, to have the student graduated, then arose to his feet and declared his intention of taking the matter before the Board of Trustees. I told him that it was very unkind, unjust and cowardly to fortify himself behind the Board of Trustees, a body to which I did not belong, and where I could not have the privilege of defending my belief and convictions in this case, and asked to be granted the privilege of being present at that meeting. This request was granted. I then inquired as to the hour the Trustees would meet, but could get no definite answer. On leaving the College, I requested Dr. W. D. Hamilton, who had stood by me during the entire struggle, to be with me at the Trustee meeting, that he might hear what was said. I returned to my office, and at about fifteen minutes to three o'clock, was informed by telephone that the Trustees were in session and waiting for me. I hurried to the College as rapidly as I could. When I entered, W. J. Clark, one of the Trustees, was on the floor, advocating the passage of the Illinois student. I supposed that they had just commenced their work, and when he got through, I requested the President of the Board of Trustees, Rev. Dr. Moore, to grant me the privilege of the floor, which he did. I then and there recited carefully the dangers of graduating any man whose course of study had been with an irregular practitioner, and whose previous course of lectures had been at an irregular college, informing them that we were violating the very first requirement of our catalogue, as well as the code of ethics governing the American Medical Association, and also the rules adopted by all well regulated Medical Colleges. I reminded them that ten years previous there had been an irregularity committed in the College, in the graduation of a West Virginia student, and that I hoped they would not do anything that would bring about as disastrous results as did that. I further stated before the Board of Trustees, that if they graduated this student from Illinois, it would, in my judgment, very seriously damage the standing of the Institution, and would render the diplomas of our graduates, in States where there are Boards of Health and where Medical Law is right, utterly worthless. I begged of them not to make any mistake of that kind.

The Trustee opening the debate followed me; after him, Dr. W. D. Hamilton called the attention of the Trustees to the

same things that I had recited, and most earnestly urged them to make no mistake in the action they were about to take, particularly in graduating men who were not, in our judgment, eligible.

When he sat down, the President of the Board, to my great surprise, stated that the motion before the house was the passage of *both* students. The question was called for, and by the votes of Drs. Hyatt, Pearce, and J. W. Hamilton, Dean, and Mr. W. J. Clark, was declared carried. (The Board of Trustees consists of seven members: Rev. Dr. Moore, President; Dr. J. W. Hamilton, Secretary; Drs. Hyatt and Pearce, and Messrs. Clark and Sessions and Rev. Dr. Gladden. They were all present except Messrs. Gladden and Sessions.)

You can imagine my surprise, after having been promised by Dr. Hyatt, the privilege of being heard before the Board of Trustees on the case of the *second* student, at not being permitted to utter one word in behalf of the action of the Faculty. I arose, passed the Secretary's book over to Dr. J. W. Hamilton, told the Trustees that I was extremely sorry that they should have taken such action as they did; that the action, in my judgment, was most dangerous and serious in its nature, and that I feared the result of it. I then withdrew.

On the day following, being March 2nd, the Board of Censors having heard of the action of the Board of Trustees, called a session of their body and adopted the following significant preamble and resolution, which will speak and explain itself:

"COLUMBUS, OHIO, March 2d, 1892.

"At a meeting of the Censors of Columbus Medical College, held at the College, at above date, B. B. Leonard was elected President, and B. F. Hart appointed Secretary. The following preamble and resolution were adopted:

"WHEREAS, It has appeared to the Board of Censors that the Trustees of Columbus Medical College have overruled the Faculty of said College, in admitting to graduation ——— and ———, whom the Faculty had rejected, therefore,

Resolved, That the Board of Censors protest against the action of said Trustees, and sustain the Faculty in their action on said ——— and ———. Moved by Dr. Battles and seconded by Dr. Bolan, that this resolution be adopted. Carried. B. B. Leonard, M. D., Pres't, West Liberty, Ohio; B. F. Hart, M. D., Sec'y, Marietta, Ohio; W. K. Bolan, M. D., Cumberland, Ohio; H. F. McCoy, M. D., Nelsonville, Ohio; J. W. Comly, M. D., Harrisville, Ohio; W. S. Battles, M. D., Shreve, Ohio."

No attention whatever was paid by the Trustees to this action of the Censors, although the Censors are supposed "to guard the portals" of the profession, as witness the following, taken from the college catalogue :

"CENSORS.—Wishing to maintain the most intimate and cordial relations with the profession, and desirous of giving opportunity for the most searching scrutiny of our work, especially in reference to conferring degrees, the Faculty have selected a Board of Censors, representing most parts of the State, who will be duly notified and requested to be present to witness examinations and join the Faculty in passing upon candidates. It is but simple justice that the profession itself, through intelligent and disinterested representatives, should have the opportunity of guarding its own portals against the admission of unworthy or incompetent persons."

I did not sign the diplomas of the ineligible students, and I am informed that they were not signed by some other members of the Faculty.

The question arises, have the Trustees the right or authority to graduate a candidate who has been rejected by a majority of the Faculty? I certainly think not. If they have, then we have reduced the entire system of graduation to a farce. We have simply converted it into nothing but a diploma mill. This case is unprecedented. So far as possible to learn, in all educational institutions, either medical or otherwise, there is not such a case on record.

I contend that it is just as essential that a student's credentials should come up to the full requirements of the College, as that his grade should. Even if the grades of the two students referred to were up to, or even above, the average, that is not sufficient. There are many other things that we take into consideration that are just as essential to prepare a man to practice his profession, as are his educational attainments. He must reach this point by a regular course, as prescribed by the rules of the College and the ethics of the profession, and not receive his instruction and education from one who is irregular, or who practices medicine in a way that the regular profession cannot sanction without self-stultification. How can we afford to denounce men as irregular in their practice and deny them recognition or standing in the medical profession, and then receive and graduate their students? Will not such a course, on the part of any medical college, make respectable that which we denounce, and promote the evil we seek to eradicate? It is difficult

to understand why the Board of Trustees pursued this arbitrary course, usurping power that was not vested in them, trampling under foot the will of the Faculty, prostituting the medical profession, and thereby endangering every diploma that has ever been issued by the Institution, in every State of the Union where there are proper Boards of Health. Dr. J. W. Hamilton owns a majority of the stock of the College, and by authority of law can elect the Trustees. The members of the Faculty opposed to the graduation of said students, entertained no unkind feelings toward them, but sought only the efficiency of the College and the good of our profession, and it is for the medical fraternity and the public to judge of the motives of those concerned in this matter. In an educational institution designed to qualify men for the great and important duties of our profession, those in charge should have no other motive in view than good results to our profession and safety to the lives and health of those who may entrust themselves to our care.

There is another serious question involved, and that is whether such a graduation is legal. Who ever heard of a Board of Trustees assuming to graduate a candidate who had not been recommended by the Faculty? In this case, both students were rejected by a majority of the Faculty, and by so rejecting them, they said these men are not eligible for graduation. Yet, in the face of all this, three Doctors and two laymen took it upon themselves to set aside the deliberate opinion and judgment of the Faculty, and grant diplomas, not on, but against, their recommendation. Can the profession tolerate being dictated to by an arbitrary Board, without contending for its own rights and privileges?

I now ask the Medical Profession if the stand I have taken for its honor, dignity and purity is right? The facts have been faithfully placed before you; it is for you to judge if any Medical College can graduate men coming from irregular sources, and yet maintain its position and dignity as a reputable institution of learning. If not, we hope you will be as bold, outspoken and determined as our noble Board of Censors, who have in their protest, in most emphatic language, declared against such irregularities. It is for the medical profession to remedy such great evils, and take all necessary and legitimate measures to prevent a repetition of such conduct, no matter whether the same may come from selfish motives of men who have not the highest interest of the profession at heart, or from lax notions of discipline and requirements, injurious to our profession and dangerous to the public.

SUMMARY.

1st. Has the Board of Trustees of a Medical College the right to graduate candidates who have not been recommended by a majority of the Faculty ?

2nd. Has the Faculty of a regular College the right to graduate men who have studied under, and whose credentials are signed by, those who are ordinarily denominated irregular, or who practice some "ism" in medicine ?

3rd. Is it to the best interest, honor and purity of the regular profession of medicine to recommend and urge the graduation of men whose credentials are not up to the full requirement set forth in college catalogues, and in accordance with the ethics of the profession ?

4th. Was the position taken by Drs. Hyatt and Pearce, and sustained in the Trustee meeting by Dr. J. W. Hamilton, in urging the graduation of men who were not eligible, according to the published requirements of their own catalogue, for the best interest of the College and the profession at large, and were they justifiable in taking such action ?

5th. The Board of Censors consists of medical men who are ripe in years of experience, and who stand in the front rank of their profession ; were they right in their thoughtful, determined, and conscientious act, in condemning, in clear and most emphatic language, the action taken by the Board of Trustees ?

6th. The position taken by me in this lamentable affair is purely one of principle and honor ; if that position is correct, and for the best interests of the medical profession, let medical men give it their most earnest and sincere approval, and take such measures as their wisdom and judgment may suggest to prevent a recurrence of such an improper and unwarranted exercise of power.

I have heretofore expressed the opinion that the action of said trustees was not authorized by custom or law ; in support of my judgment and opinion in reference thereto, I here call attention to Section 3726 of the Revised Statutes of Ohio, as follows :

"Sec. 3726. The Trustees of a College, University, or other institution of learning, incorporated for the purpose of promoting education, religion, morality or the fine arts, which has acquired real or personal property of the value of five thousand dollars, and which has filed in the office of the Secretary of State, a schedule of the kind and value of such property, verified by the oaths of the Trustees, may appoint a President, Professors and Tutors and any other necessary agents and officers and fix the compensation of each, and may enact such By-laws, not inconsistent with the Laws of this State, or of the United States, for the government of the institution and for conducting the affairs of the corporation as they may deem necessary ; and may, ON THE RECOMMENDATION OF THE FACULTY, confer all such degrees and honors as are conferred by Colleges and Universities of the United States, and such others having reference to the course of study and the accomplishments of the student, as they may deem proper."